

**Notice of Allowability****Application No.**

09/411,629

**Applicant(s)**

NARA, WATARU

**Examiner**

Nhan T. Tran

Art Unit

2622

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendments filed 8/25/2006.
2.  The allowed claim(s) is/are 5,7,8,13 and 15-20.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/25/2006 & 9/25/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments, filed 8/25/2006, with respect to claims 5, 7, 8, 13 & 15-20 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: *(Note that amendments are shown in strikethrough and underline to correct minor grammatical errors to provide proper antecedent basis in the claims).*

Regarding **claim 7**, lines 14-15 on page 3, the limitations "moving-averaging the average black reference values for the plurality of lines" have been amended as – **moving-averaging the averages of the black reference values for the plurality of lines --.**

Regarding **claim 13**, lines 7-8 on page 4, the limitations "a moving average of the averages of black reference values for the plurality of lines" have been amended as -- **a moving average of the averages of the black reference values for the plurality of lines --.**

Regarding **claim 15**, lines 1-2 on page 5, the limitations "moving-averaging the averages of black reference values for the plurality of lines" have been amended as -- **moving-averaging the averages of the black reference values for the plurality of lines --.**

#### ***Allowable Subject Matter***

4. Claims 5, 7, 8, 13 & 15-20 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 5, 13, the prior art of record fails to teach or fairly suggest the combination of all limitations required in each of claims 5 & 13 that includes "...the

**black reference level is a moving average of averages of the black reference values for the plurality of lines..."**

Regarding claims 7 & 15, the prior of record also fails to teach or fairly suggest the combination of all limitations required in each of claims 7 & 15 that includes "...the **black reference level for each line is obtained from moving-averaging averages of the black reference values for the plurality of lines.**"

Regarding claim 17, this claim is allowed as being dependent from claim 5.

Regarding claims 8 & 18, these claims are allowed as being dependent from claim 7.

Regarding claim 19, this claim is allowed as being dependent from claim 13.

Regarding claims 16 & 20, these claims are allowed as being dependent from claim 15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

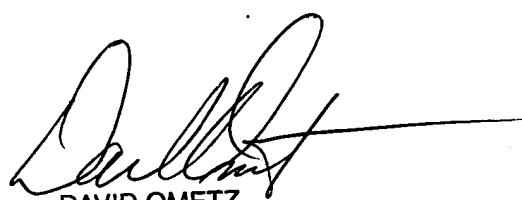
### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NT.  
Nhan T. Tran  
Patent Examiner



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER